

Baker & Hostetler LLP

45 Rockefeller Plaza
New York, New York 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201
David J. Sheehan
Nicholas J. Cremona

*Attorneys for Irving H. Picard, Trustee
for the Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities LLC
and the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

LILYAN BERKOWITZ, *et al.*,

Defendants.

Adv. Pro. No. 10-05388 (SMB)

**NOTICE OF VOLUNTARY DISMISSAL OF CERTAIN DEFENDANTS
WITH PREJUDICE FROM ADVERSARY PROCEEDING**

PLEASE TAKE NOTICE that Plaintiff Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, et seq. (“SIPA”), and the substantively consolidated estate of Bernard L. Madoff individually (“Madoff”), by and through his counsel Baker & Hostetler LLP, and pursuant to Rule 7041(a)(1)(A)(i) of the Federal Rules of Bankruptcy Procedure (making Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure applicable in adversary proceedings), hereby dismisses defendants Elaine N. Miller and the Harold S. Miller Trust dated December 4, 1964 from the above-captioned adversary proceeding with prejudice. Pursuant to Bankruptcy Rule 7041(a)(1)(A)(i), the Trustee is permitted to voluntarily dismiss defendants Elaine N. Miller and the Harold S. Miller Trust dated December 4, 1964 from this adversary proceeding without further order of the court by filing this Notice of Dismissal as, as of the date hereof, no opposing party has served either an answer or a motion for summary judgment. Upon the dismissal of defendants Elaine N. Miller and the Harold S. Miller Trust dated December 4, 1964, the caption of the above-referenced adversary proceeding is hereby amended to delete Elaine N. Miller and the Harold S. Miller Trust dated December 4,

[Remainder of Page Intentionally Left Blank]

1964 from the caption. The amended caption of the above-captioned adversary proceeding shall
appear as indicated in Exhibit A to this Notice.

Dated: New York, New York
October 13, 2015

By: /s/ Nicholas J. Cremona
BAKER & HOSTETLER LLP
45 Rockefeller Plaza
New York, New York 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201
David J. Sheehan
Email: dsheehan@bakerlaw.com
Nicholas J. Cremona
Email: ncremona@bakerlaw.com

*Attorneys for Irving H. Picard, Esq., as
Trustee for the Substantively Consolidated
SIPA Liquidation of Bernard L. Madoff
Investment Securities LLC and Bernard L.
Madoff*